

Message Text

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PAGE 01 STATE 116752

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

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E.O. 11652: N/A

TAGS: CPRS, MX

SUBJECT: LAND SALES IN BAJA CALIFORNIA

REF: A. STATE 173974

B. AMBASSADOR'S MEMO TO FILES (NOV. 15, 1973)

C. STATE 38151

D. ZWEIFEL MEMCON (FEB. 14, 1974)

FOR AMBASSADOR

1. RAYMOND COMSTOCK VISITED DEPARTMENT EARLIER THIS WEEK TO DISCUSS PROBLEMS ARISING OUT OF HIS INTEREST IN SAN ANTONIO SHORES. (AS EMBASSY WILL RECALL, COMSTOCK IS SPOKESMAN FOR SOME 120 US CITIZENS WHO "PURCHASED" RETIREMENT OR VACATION LANDS IN SAN ANTONIO SHORES SUBDIVISION IN BAJA CALIFORNIA.) COMSTOCK HAS BEEN PURSUING VARIOUS CIVIL AND CRIMINAL LEGAL ACTIONS IN BAJA CALIFORNIA AIMED AT OBTAINING REFUND OF MONIES PAID FOR PROPERTY. HE FEARS THAT ALL CASES WILL SOON BE DISMISSED ON VARIOUS PROCEDURAL TECHNICALITIES (E.G., ON GROUNDS THAT PROOF OF US CITIZENSHIP OF PLAINTIFFS HAS NOT

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PAGE 02 STATE 116752

BEEN MADE) AND THAT HE AND OTHER INVESTORS WILL BE LEFT

WITHOUT ANY EFFECTIVE RECOURSE. HE RECALLED THAT MORE THAN A YEAR AGO BAJA CALIFORNIA OFFICIALS HAD PROMISED THAT THE SAN ANTONIO SHORES PROBLEM WOULD BE WORKED OUT, EITHER BY REFUNDS OR BY CONVERSION OF TENURE TO VALID TRUST ARRANGE-

MENTS; HOWEVER, NO ATTEMPT BY THOSE OFFICIALS HAS BEEN MADE TO DO EITHER.

2. IT APPEARS TO US BOTH FROM CONVERSATIONS WITH COMSTOCK AND FROM OTHER INFORMATION THAT PROFESSED INTENT OF GOVERNMENT OFFICIALS TO WORK OUT THESE PROBLEMS HAS NOT BORNE FRUIT. WE ARE CONCERNED ALSO THAT GOM MAY BELIEVE THAT USG IS NOT IN FACT SUFFICIENTLY INTERESTED IN SECURING FAIR TREATMENT FOR THESE US CITIZENS AS TO WARRANT THE KIND OF EFFORT BY FEDERAL GOVERNMENT WHICH MIGHT RESULT IN SOLUTIONS. WE RECOGNIZE THAT INITIALLY THIS PROBLEM WAS ONE IN WHICH GOVERNMENT HAD NO INVOLVEMENT; US CITIZENS, IN IGNORANCE, CONCLUDED AGREEMENTS RESPECTING LAND TENURE WHICH ARE AT BEST OF DOUBTFUL VALIDITY UNDER MEXICAN CONSTITUTION AND LAWS WITH PRIVATE MEXICAN CITIZENS. HOWEVER, EVENTS IN LAST YEAR OR SO WHICH SAW BAJA CALIFORNIA OFFICIALS TAKE OVER SAN ANTONIO SHORES, AS WELL AS APPARENT INTERFERENCE BY VARIOUS OFFICIALS IN MEXICAN JUDICIAL PROCESS, MAKE IT DIFFICULT IN OUR VIEW TO SUSTAIN ARGUMENT THAT THERE IS INSUFFICIENT MEXICAN GOVERNMENT INVOLVEMENT TO WARRANT OUR BRINGING MATTER TO ATTENTION OF APPROPRIATE OFFICIALS. (DAVID ZWEIFEL WAS TOLD BY CODIBAC DIRECTOR, MARIO CASCO, IN FEBRUARY THAT CASCO HAD BEEN INSTRUCTED BY THE PRESIDENT TO FIND A FAIR SOLUTION TO THE PROBLEM. SEE REF D.)

3. ACCORDINGLY, AMBASSADOR IS REQUESTED TO RAISE SAN ANTONIO SHORES MATTER WITH FOREIGN MINISTRY AT APPROPRIATELY HIGH LEVEL. YOU SHOULD INDICATE FEELING OF USG THAT SERIOUS PROBLEM INVOLVING US CITIZENS IN BAJA CALIFORNIA IS DEVELOPING AND THAT WE ARE CONCERNED THAT IF IT IS NOT RESOLVED IT COULD ULTIMATELY CAUSE PROBLEMS IN OUR RELATIONS. WHILE USG RECOGNIZES THAT PROBLEM IS IN PART DUE TO IGNORANCE OF US CITIZENS IN MAKING LIMITED OFFICIAL USE

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PAGE 03 STATE 116752

QUESTIONABLE LEGAL ARRANGEMENTS FOR BENEFICIAL USE OF MEXICAN LAND, PROBLEM REMAINS. MORE THAN A YEAR AGO WE HAD HEARD THAT STATE AND FEDERAL OFFICIALS IN BAJA CALIFORNIA HAD WORKED OUT A PLAN TO RESOLVE THESE ISSUES EQUITABLY; UNFORTUNATELY, IN THE ENSUING TIME-PERIOD THE PROBLEM HAS BEEN EXACERBATED RATHER THAN RESOLVED. USG, OF COURSE, DOES NOT PRESUME TO INTERFERE IN THE MEXICAN JUDICIAL PROCESS OR IN MEXICAN GOVERNMENT ADMINISTRATION.

HOWEVER, WE ARE CONCERNED AND WE HOPE GOM WILL CONTINUE
ITS EFFORTS TO RESOLVE THIS KNOTTY PROBLEM IN A MANNER

SATISFACTORY TO ALL WHO ARE DIRECTLY CONCERNED. WE
WOULD APPRECIATE ANY VIEWS THAT MEXICAN OFFICIALS MAY
HAVE ON THE SUBJECT, AND MORE PARTICULARLY, A STATUS
REPORT AS TO THE PLANS FOR RESOLUTION WHICH WERE
ANNOUNCED PUBLICLY OVER A YEAR AGO. KISSINGER

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